REMARKS

The Examiner is thanked for the due consideration given the application.

Upon entry of this amendment claims 1, 3-7 and 9-20 are pending in the application. By this amendment, claim 2 has been canceled and its subject matter has been generally incorporated into claim 1, and the amendments to claim 1 also better set forth the invention being claimed.

No new matter is believed to be added to the application by this amendment.

Entry of this amendment under 37 CFR §1.116 is respectfully requested because it cancels a claim and places the application in condition for allowance.

Rejections Under 35 USC §103(a)

Claims 1-5, 7-11 and 16-19 remain rejected under USC §103(a) as being unpatentable over ROLSTON et al. (U.S. Publication 2002/00331199) in view of CEDRONE et al. (U.S. Patent 6,538,987). Claim 6 remains rejected USC §103(a) as being unpatentable over ROLSTON et al. in view of CEDRONE et al., and further in view of PULESTON (U.S. Publication 2002/0181480). Claims 12, 13 and 20 remain rejected USC §103(a) as being unpatentable over ROLSTON et al. in view of CEDRONE et al., and further in view of SEKI et al. (U.S. Publication 2004/0213247).

These rejections are respectfully traversed.

The present invention pertains to an ATM system having alternative switching in case of clock failure.   The present invention is illustrated, by way of example, in Figure 1 of the application, which is reproduced below.
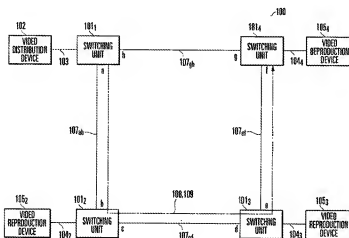

F I G. 1

Figure 1 shows a loop configuration of switching units, which allows alternative switching routes for clock signals. Instant claim 1 of the present invention sets forth: "*a clock sending means which sends out a clock received from one of a connecting device or an internal clock supply source as the synchronous clock to said clock supply route.*" Claim 1 of the present invention also sets forth first and port switching instruction means where "*when said port switching means performs port switching by detection of the fault notification data, sending switching instruction data which instructs the upstream side of the clock supply route to switch the port to said another port for supply of the synchronous clock.*"

ROLSTON et al. pertain to distributed synchronous clocking. The Official Action refers to Figure 1 of ROLSTON et al., which is reproduced below.
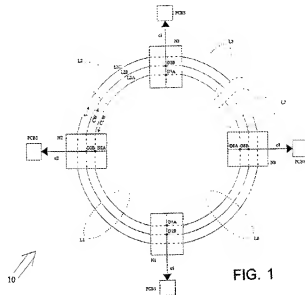

FIG. 1

Figure 1 of ROLSTON et al. shows a synchronous clocking system having nodes N1 . . . N8 connected by propagation channels L1 . . .L8. N1 is a masternode. However, distinctions of the present invention over ROLSTON et al. have been made of record in the previous amendment which, for brevity, are not repeated here.

The Official Action acknowledges that ROLSTON et al. fail to teach fault detection means, fault notification transmission means, sending fault notification data, first port switching means, a switching port, a termination node having second port switching means, performing port switching, first and second port switching means forming upstream and downstream

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switching ports, and port switching instruction means. The
Official Action refers to CEDRONE et al. for these teachings.

Now, the Official Action asserts that "the port
switching instruction means (of the termination node)" recited in
the claim 1 is equivalent to "sending back switching instruction
data representing port switching by coupling arbitrary virtual
paths for nodes" taught by the CEDRONE et al. However, in column
5, lines 44-46 noted by the Official Action, CEDRONE et al.
teaches nothing more than that each node 12 receives information
over the rings 14 and 16 through incoming ports 20 and sends
information over the rings 14, 16 through destination ports 22.

Thus, CEDRONE et al. does not teach anything at all
about what kind of information is input to the incoming ports 20
and output from the destination ports 22. Further, the foregoing
CEDRONE et al.'s teaching noted in the Official Action does
nothing more than generally teach operation of all nodes, without
even teaching any specific operation of those nodes as
termination nodes.

Meanwhile, the present invention allows that a port
switching instruction means of a termination node detects fault
notification data issued from a node on the upstream side thereof
that has detected a line fault. Upon detecting the fault
notification data, the termination node issues switching port
instruction data for switching the clock supply port of its own
node and that of the node on the upstream side thereof.

Thus, CEDRONE et al. does not teach anything about a feature of the present invention, namely a node that inputs/outputs the fault notification data (input information) and the port switching instruction data (output information). Besides, CEDRONE et al. neither teaches nor suggests that the termination node returns port switching instruction data back to a node on the upstream side in response to (detection) of a fault notification data from the upstream side node.

Therefore, in view of the fact that the CEDRONE et al. does not teach an important clement of the present invention, namely a termination node having a port switching means, it will be obvious that the present invention could not have been achieved from the CEDRONE et al. even in combination with the ROLSTON et al.

Finally, the present invention has advantages over the prior art in that it can provide a system which can dispense with dedicated packets for the construction of a routing table and is simple in structure, so that it not only hardly adds to the packet but also scarcely incurs an additional system load. This represents a result that is unexpected in light of the applied art references.

One of ordinary skill and creativity would thus fail to produce a claimed embodiment of the present invention from a knowledge of ROLSTON et al. and CEDRONE et al. The other applied references of PULESTON and SEKI et al. fail to address the

deficiencies of ROLSTON et al. and CEDRONE et al. A *prima facie* case of unpatentability has thus not been made.

These rejections are believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

The Examiner is thanked for considering the Information Disclosure Statement filed January 5, 2004 and for making an initialed PTO-1449 Form of record in the application.

Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

The Examiner's rejections are believed to have been overcome, obviated or rendered moot, and no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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